



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Attorney Docket No. 011738.00015)

In the Application of: Daryle Lee Petersen )  
Serial No. 09/945,472 ) Group Art Unit: 3763  
Filed: August 30, 2001 ) Examiner: Catherine Serke  
For: Convection Enhanced Delivery Catheter ) Confirmation Number: 3236  
To Treat Brain and Other Tumors )

AMENDMENT AND RESPONSE TO OFFICE ACTION  
DATED SEPTEMBER 26, 2003

Mail Stop: Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 2313-1450

Dear Sir:

This paper is responsive to the Office Action dated September 26, 2003. The Examiner has set a three-month period for response, thus making this response due on or before December 29, 2003. It is believed that no fee is due in connection with this filing. However, if a fee is due, the Office is authorized to charge such a fee to Deposit Account No. 19-0733.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 2 of

this paper.

**Remarks/Arguments** begin on page 9 of this paper.

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**CERTIFICATE OF MAILING**  
(PATENT APPLICATION)

Express Mail No. EV306395295USN  
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I hereby certify that the attached correspondence, identified below, is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to Commissioner for Patents, P.O. Box 1450, Mail Stop Non-Fee Amendment, Alexandria, Virginia 22313-1450.

By: 

Application of: Daryle Lee Petersen

Application No.: 09/945,472

Filing Date: August 30, 2001

Title: Convection Enhanced Delivery Catheter to Treat Brain and Other Tumors

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Transmitted herewith are the following documents:

- Transmittal Form PTO/SB/21 (1 page) in duplicate
- Amendment and Response to Office Action Dated September 26, 2003 (12 pages)
- Return Postcard

Attorney Case No.: 011738.00015

QIPE  
DEC 29 2003TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

		Application Number	09/945,472
		Filing Date	August 30, 2001
		First Named Inventor	Daryle Lee Petersen
		Group Art Unit	3763
		Examiner Name	Catherine Serke
Total Number of Pages in This Submission		Attorney Docket Number	11738.00015

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Return Receipt Postcard
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<i>RECEIVED JAN 02 2004 TECHNOLOGY CENTER R3700</i>
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	William J. Allen Banner & Witcoff, Ltd.
Signature	<i>William J. Allen</i> 51,393
Date	December 29, 2003

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: \_\_\_\_\_

Typed or printed name		
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.